

REMARKS

In the prior amendment, applicants amended the specification to cross-reference three applications and claimed the benefit of the filing dates thereof. In addition, applicants traversed the outstanding rejections under 35 U.S.C. § 103(a). A common theme throughout applicants' traversal of the outstanding rejection was that the present application was entitled to the filing date of the cross-referenced applications and, therefore, certain of the cited references were not properly citable.

In response to applicants' amendments and arguments, the Examiner issued a final rejection and sustained the outstanding rejections on the basis that the claim of priority to one of the applications, U.S. Application No. 09/880,715, filed June 12, 2001, was improper and, therefore, applicants could not rely upon the earlier filing date of U.S. Application No. 09/880,715. By amendment above, applicants have removed the cross-reference to U.S. Application No. 09/880,715; therefore the issue raised by the Examiner is moot.

Applicants point out that the cross-reference to the two other applications, namely, U.S. Application Nos. 09/018,783, filed February 4, 1998, and 08/988,333, filed September 30, 1997, was proper and, therefore, the present application is entitled to the filing dates of those two prior filed applications, both of which were pending on October 28, 1999, the filing date of the present application. In view of these proper cross-references (as presented in the previous amendment), the subject application is entitled to claim the benefit of the filing dates of the prior filed U.S. Application Nos. 09/018,783 and 08/988,333. Accordingly, it is applicants' view that the Examiner should have considered applicants' arguments and specifically addressed whether claiming the benefit of prior U.S. Application No. 09/018,783 and U.S. Application No. 08/988,333 mandated that the outstanding rejections should be withdrawn.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

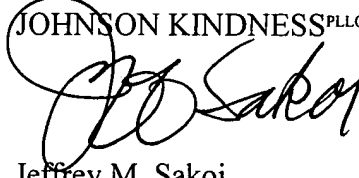
Rather than considering substantively the above issue, it appears the Examiner focused on the improper cross-reference to co-pending U.S. Application No. 09/880,715, and concluded that since this cross-reference was improper, that the cross-reference to the other two applications was also improper, and that the present application was not entitled to the earlier filing dates of U.S. Application Nos. 09/018,783 and 08/988,333.

In view of this, applicants believe they are entitled to consideration of whether or not their arguments submitted on August 20, 2002, were persuasive and request that the Examiner enter the amendment set forth below and reconsider the application in view of applicants' remarks submitted in the previous response. Applicants have not reproduced those remarks in this response, in the interest of brevity.

The Examiner is respectfully requested to enter the amendment set forth above and reconsider the application in view of the amendment and remarks included herein and in the amendment submitted August 21, 2002. As explained by the remarks, the outstanding rejections are improper and their withdrawal proper.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Jeffrey M. Sakoi
Registration No. 32,059
Direct Dial No. 206.695.1713

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date: November 6, 2002

JMS:mx



LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

VERSION WITH MARKINGS TO SHOW CHANGES MADE NOVEMBER 6, 2002

In the Specification:

The section entitled "CROSS-REFERENCE TO RELATED APPLICATIONS" has been amended as follows:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is (1) a continuation-in-part of prior co-pending U.S. Application No.[09/880,715, filed June 12, 2001, which in turn is a continuation of U.S. Patent Application No.] 09/018,783, filed February 4, 1998; and (2) a continuation-in-part of U.S. Patent Application No. 08/988,333, filed September 30, 1997, now U.S. Patent No. 5,985,126, the benefit of the filing dates of which is hereby claimed under 35 U.S.C. § 120.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100